

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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NEW YORK STATE FIREARMS ASSOCIATION,
GEORGE BORRELLO, DAVID DIPIETRO,
WILLIAM ORTMAN, and AARON DORR,

Plaintiffs,

No. 23-CV-6524 (FPG)

-against-

**DECLARATION OF
JAMES M. THOMPSON**

DOMINICK L. CHIUMENTO, in his official capacity as
Acting Superintendent of the New York State Police,

Defendant.

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James M. Thompson hereby declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a member of the Bar of the State of New York and am admitted to practice in this District. I serve as Special Counsel for Second Amendment Litigation in the office of Letitia James, the Attorney General of the State of New York. With my co-counsel Heather McKay and Matthew Brown, I represent Defendant Dominick L. Chiumento, in his official capacity as Acting Superintendent of the New York State Police, in this action.

2. I submit this Declaration in support of the Superintendent's opposition to Plaintiffs' motion for a preliminary injunction, ECF No. 5, for the limited purpose of putting before the Court certain documents referenced in the accompanying memorandum of law.

3. Attached as Exhibit 1 is a copy of the portions of Samuel Johnson's 1755 Dictionary of the English Language (Volume 1) containing the definitions of "Infringe" and "Infringement." These and other selections from Volume 1 of Dr. Johnson's dictionary were taken from the PDF of the first edition on the Wikimedia Commons website, available at

<https://upload.wikimedia.org/>

[wikipedia/commons/f/f3/A_Dictionary_of_the_English_Language_%28v.1%2C_1755%29.pdf](https://commons.wikimedia.org/wiki/File:A_Dictionary_of_the_English_Language_v.1%2C_1755%29.pdf).

4. Attached as Exhibit 2 is a copy of the portion of John Ash's 1775 New and Complete Dictionary of the English Language containing the definition of "infringe," "infringed," and "infringement." The section is taken from Google Books' digitized version of the dictionary, available at <https://books.google.com/books?id=MhySjgEACAAJ&printsec=frontcover#v=onepage&q&f=false>.

5. Attached as Exhibit 3 is a copy of the portion of Dr. Johnson's Dictionary of the English Language containing the definitions of "abridge" and "abridgment."

6. Attached as Exhibit 4 is a copy of the portion of Noah Webster's 1806 A Compendious Dictionary of the English Language containing the definition of "abridge" and "abridgement." This and other selections from Webster's 1806 Dictionary are taken from the digital version at the Internet Archive, available at <https://archive.org/details/compendiousdictionaryoftheenglishlanguage1806/page/n25/mode/2up>.

7. Attached as Exhibit 5 is a copy of the portion of Webster's 1806 dictionary containing the definition of "infringe" and "infringement."

8. Attached as Exhibit 6 is a copy of the portions of Samuel Johnson's 1755 Dictionary of the English Language (Volume 2) containing the definition of "License." These and other selections from Volume 2 of Dr. Johnson's dictionary were taken from the PDF of the first edition on the Wikimedia Commons website, available at https://upload.wikimedia.org/wikipedia/commons/f/f3/A_Dictionary_of_the_English_Language_%28v.1%2C_1755%29.pdf.

9. Attached as Exhibit 7 is an excerpt from the 1894 publication of the Colonial Laws of New York from the Year 1664 to the Revolution, containing a prohibition on selling guns, gunpowder, and ammunition to Native Americans or "any person Inhabiting out of this

Government,” absent permission from the Governor. The document was obtained via the HeinOnline database of historical laws.

10. Attached as Exhibit 8 is an excerpt of the 1897 publication of the Charter to William Penn, and Laws of the Province of Pennsylvania, containing a prohibition on selling guns, gunpowder, and ammunition to Native Americans or “any person Inhabiting out of this Government,” absent permission from the Governor. The document was obtained via the HeinOnline database of historical laws.

11. Attached as Exhibit 9 is an excerpt from the 1850 publication of the Public Records of the Colony of Connecticut, containing a prohibition on selling guns, gunpowder, and ammunition to Native Americans or outsiders, without license from a court or two magistrates. The document was obtained via the HeinOnline database of historical laws.

12. Attached as Exhibit 10 is an excerpt from the 1672 publication of The General Laws And Liberties of the Massachusetts Colony, containing a prohibition on selling guns, gunpowder, and ammunition to Native Americans or outsiders. The document was obtained via the HeinOnline database of historical laws.

13. Attached as Exhibit 11 is an excerpt from the 1855 publication of Documents Relative to the Colonial History of the State of New-York, containing a 1744 letter from Governor George Clinton to the Lords of Trade discussing a prohibition on trading gunpowder, “provisions, warlike stores, or merchandizes” to the French. The document was obtained via the HeinOnline database of historical laws.

14. Attached as Exhibit 12 is an excerpt from the 1853 publication of the Records of the Governor and Company of the Massachusetts Bay in New England, containing a provision disarming followers of dissident Protestant preachers of guns, gunpowder, and ammunition. The

document was obtained via the HeinOnline database of historical laws.

15. Attached as Exhibit 13 is an excerpt from the 1857 publication of the Records of the Colony of Rhode Island and Providence Plantations, containing a prohibition disarming Native Americans of guns and ammunition. The document was obtained via the HeinOnline database of historical laws.

16. Attached as Exhibit 14 is an excerpt from the 1820 publication of A Collection of All the Laws of Virginia, containing a provision ordering that Roman Catholics be disarmed of guns, gunpowder, and ammunition. The document was obtained via the HeinOnline database of historical laws.

17. Attached as Exhibit 15 is a copy of a 1776 Massachusetts law requiring that persons disaffected to the cause of America be disarmed of guns and ammunition. The document was obtained via the HeinOnline database of historical laws.

18. Attached as Exhibit 16 is a copy of a 1777 New Jersey law requiring that persons disaffected to the cause of America be disarmed of all “Arms, Accoutrements and Ammunition which they own or possess.” The document was obtained via the HeinOnline database of historical laws.

19. Attached as Exhibit 17 is a copy of a 1778 Pennsylvania law requiring that persons who would not swear loyalty to the United States may not “carry any arms about his person or keep any arms or ammunition in his house or elsewhere.” The document was obtained via the HeinOnline database of historical laws.

20. Attached as Exhibit 18 is a copy of a 1680 Virginia law requiring a tax be paid in gunpowder. The document was obtained via the HeinOnline database of historical laws.

21. Attached as Exhibit 19 is a copy of a 1789 Rhode Island law taxing all gunpowder

imported into the state. The document was obtained via the HeinOnline database of historical laws.

22. Attached as Exhibit 20 is a copy of a 1838 Florida law imposing a severe tax on sellers of weapons. The document was obtained via the HeinOnline database of historical laws.

23. Attached as Exhibit 21 is a copy of an 1844 Mississippi law taxing ownership of pistols. The document was obtained via the HeinOnline database of historical laws.

24. Attached as Exhibit 22 is a copy of an 1853 Virginia law requiring all merchants of gunpowder to be licensed and taxed. The document was obtained via the HeinOnline database of historical laws.

25. Attached as Exhibit 23 is a copy of an 1866 North Carolina law taxing pistols and other weapons. The document was obtained via the HeinOnline database of historical laws.

26. Attached as Exhibit 24 is a copy of an 1869 Delaware law taxing manufacturers of gunpowder. The document was obtained via the HeinOnline database of historical laws.

27. Attached as Exhibit 25 is a copy of an 1883 Ohio law requiring all vendors of gunpowder to pay a license fee. The document was obtained via the HeinOnline database of historical laws.

28. Attached as Exhibit 26 is a copy of an 1883 Tennessee law banning the sale of pistol cartridges. The document was obtained via the HeinOnline database of historical laws.

29. Attached as Exhibit 27 is a copy of an 1884 Alabama law requiring “dealers in pistol cartridges” to pay a licensing fee. The document was obtained via the HeinOnline database of historical laws.

30. Attached as Exhibit 28 is a copy of an 1887 Alabama law raising the licensing fee for dealers in pistol cartridges to \$300. The document was obtained via the HeinOnline database

of historical laws.

31. Attached as Exhibit 29 is a copy of a 1890 South Carolina law requiring a \$200 annual fee from persons selling pistol cartridges. The document was obtained via the HeinOnline database of historical laws.

32. Attached as Exhibit 30 is a copy of an 1891 South Carolina law expanding the fee to sellers of pistols and rifle cartridges. The document was obtained via the HeinOnline database of historical laws.

33. Attached as Exhibit 31 is a copy of an 1893 report from the Georgia State Treasurer discussing revenues from a “Pistol Dealers Tax.” The document was obtained via the HeinOnline database of historical laws.

34. Attached as Exhibit 32 is a copy of an 1895 Virginia law requiring a special license and tax for pistol and pistol cartridge dealers in certain counties. The document was obtained via the HeinOnline database of historical laws.

35. Attached as Exhibit 33 is a copy of a 1763 New York City law requiring that gunpowder be carried by licensed cart-men, who would be paid a fee. The document was obtained via the New York Law Institute’s LLMC online database.

36. Attached as Exhibit 34 is a copy of a 1776 New Jersey law requiring all gunpowder to be inspected, with the inspectors’ wages being paid by a fee assessed to the gunpowder’s owner. The document was obtained via the HeinOnline database of historical laws.

37. Attached as Exhibit 35 is a copy of an 1820 New Hampshire law requiring all gunpowder to be inspected, with the inspectors being paid by a fee assessed to the gunpowder’s owner. The document was obtained via the HeinOnline database of historical laws.

38. Attached as Exhibit 36 is a copy of an 1826 Connecticut law empowering the City


of New Haven to regulate gunpowder sales and establish a licensing law supported by a regulatory fee. The document was obtained via the HeinOnline database of historical laws.

39. Attached as Exhibit 37 is a copy of an 1883 California law providing that cities could issue licenses for the storage, manufacture, or sale of gunpowder, with the money raised going to support the fire department. The document was obtained via the HeinOnline database of historical laws.

40. Attached as Exhibit 38 is a copy of an 1881 Illinois law requiring sellers of deadly weapons to keep a register of all sales, open to the public for inspection, and enforced via fines and the proceeds of *qui tam* lawsuits. The document was obtained via the HeinOnline database of historical laws.

41. I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Dated: New York, New York
October 13, 2023


James M. Thompson